

REMARKS

Claims 1, 4-8, 11, 13-16, 24-25, 29-32 and 49-55 are pending in the present application. Claim 56 has been cancelled. Claims 1, 11, 15, 24, 29, 30, 49, 50, 53, and 55 have been amended. Support for the amendments is found, for example, in the specification at p. 4, lines 1-19; p. 4, l. 28 – p. 5, l. 7; p. 20, l. 29 - p. 21, l. 4; p. 21 l. 18-30; p. 23, lines 2-22; p. 24, lines 13-20; p. 25, l. 14-24; and, for example, in original claims 1, 10, 15, 24, 28-34, 35, 43 and 48. Per the Supervisory Examiner's request, portions of the specification and drawings 5 and 6 have been corrected for consistency. The drawing have been labeled as "Replacement Sheets" per the Notice of Non-Compliant Amendment mailed October 20, 2008. No new matter has been added.

Applicant thanks the Supervisory Examiner for the Interview on September 9, 2008. At that Interview, Applicant's representatives and the inventor discussed the prior art of record, various amendments to the claims, and that the cited references did not teach a method or system for providing merchant rebates that operated in a transparent manner to the merchants and that utilized a centralized system to determine if debit and credit card transactions for a particular merchant(s) were qualifying transactions with a member of the rebate program.

The claims stand rejected as obvious over Hartt (WO 94/04979) in view of Fernandez-Holmann (U.S. 5,787,404). The cited references, alone or in combination, do not teach each element of the claims. Neither Hartt nor Fernandez-Holmann teach a method or system where both debit and credit cards can be used to make a purchase from a merchant who is offering a rebate, and where the debit and credit card transaction information for the merchant is monitored in a centralized manner by a rebate network manager to identify which transactions out of many transactions are with a registered

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member using a registered debit or credit card. Hartt implicitly requires identification of the member at the time and place of the transaction and the capture and segregation of the information for qualifying sales transactions by the merchant. There is no centralized monitoring of debit and credit card transaction information. Fernandez-Holmann does not cure this deficiency as Fernandez-Holmann's systems and methods are compatible with only credit cards and Fernandez-Holmann does not teach the monitoring and determining steps because the merchant does not provide the rebate, the credit card issuer does.

In the interview summary dated Sept. 23, 2008, which summarizes an Interview conducted on Sept. 18, 2008, the Supervisory Examiner indicates that agreement was reached on claim language that further clarifies how the debit and credit card transactions are centrally monitored by the rebate network manager and thus distinguishes the claims over the prior art. The Supervisory Examiner indicated that the draft claim presented to the Supervisory Examiner needed to further specify "all debit and credit transactions" in step b in addition to the other proposed amendments. This summary of the interview is accurate. Applicant has amended Claim 1 as discussed with the Supervisory Examiner. Furthermore, independent claims 24, 49, 50, 53, and 55 have been similarly amended. As such, Applicant believes the claims are in condition for allowance.

All grounds of rejection of the Office Action of August 18, 2008 have been addressed and reconsideration of the application is respectfully requested. It is respectfully submitted that Applicant's claims should be passed into allowance. Should the Supervisory Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Supervisory Examiner to call the undersigned collect at (608) 218-6900.

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